THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.22106 of 2006

Date: 30.07.2007

Between:

Vanga Doodaiah and others

....Petitioners

and

Government of Andhra Pradesh and others

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.22106 of 2006

O R D E R:

The petitioners claim to be the farmers of different villages of Ghanpur (Station) and Jaffergadh Mandals of Warangal District. Their villages are said to be within the area of operation of the Agricultural Market Committee, Station Ghanpur, the fourth respondent. The fifth respondent was appointed as the Chairman of the Market Committee by the first respondent through orders in G.O.Ms.No.228, Agriculture and Cooperation Department, dated 11.10.2006. The petitioners contend that the fifth respondent does not answer the description of 'grower' as defined under Section 2(iv) of the Andhra Pradesh (Agricultural Produce and Livestock) Market Act, 1996 (for short 'the Act') and that his appointment as Chairman of the Market Committee is untenable.

The petitioners contend that the fifth respondent created some fabricated and untenable record to make the first respondent to believe that he is qualified to be appointed, though he does not hold any land nor cultivates any crop. Reference is made to a document, dated 20.04.2002, through which, the fifth respondent is purported to sell an extent of two acres of land in Survey No.167/3 of Thatikonda Village to

himself for a consideration of Rs.1,20,000/-.

On behalf of the fifth respondent, counter-affidavit is filed denying the allegations made by the petitioners. He stated that he owns and holds other extents of land, and inadvertently, his name was mentioned as vendor instead of his brother's name,
Satyanarayana Reddy. He made allegations against some of the petitioners.

Heard Shri M.Rama Rao, learned counsel for the petitioners, learned Government Pleader for Agriculture, learned Standing Counsel for the Market Committee and Shri M.N.Narasimha Reddy, learned counsel for the fifth respondent.

Section 5 of the Act prescribes the qualifications to be held by an individual, to be appointed as a member of the Market Committee. Apart from other categories of persons, 'growers' of agricultural produce as defined under Section 2 of the Act are also rendered eligible. The fifth respondent claims to have been appointed as Chairman of the Market Committee, as a grower.

While the petitioners contend that the fifth respondent neither owns nor cultivates any land, the latter denied the said allegation. If the sole basis for the appointment of the fifth respondent as the Chairman of the Market Committee is the document, dated 20.04.2002, it becomes shaky. The reason is that through the said document, the fifth respondent is purported to be transferred an extent of two acres of land in Survey No.167/3 of Thatikonda Village to himself, by way of sale. Secondly, it is not stamped, much less, registered. The report submitted by the Mandal Revenue Officer on a direction issued by the Collector is as vague and uncertain as it could be.

Be that as it may, it is too early for this Court to decide the basis on which, the first respondent appointed the fifth respondent as the Chairman of the Market Committee. The petitioners can certainly submit a representation narrating their grievance to respondents 1 and 2. Necessary verification can be undertaken and appropriate orders can be passed after hearing the affected parties.

For the foregoing reasons, the writ petition is disposed of, leaving it open to the petitioners to submit a representation to respondents 1 and 2, narrating the relevant facts and enclosing concerned documents, particularly pointing out that the fifth respondent did not hold the requisite qualifications as on the date of his appointment as the Chairman of the Market Committee. As and when the petitioners submit such representation, respondents 1 and 2 shall examine the same, duly giving an opportunity to the fourth respondent and pass appropriate orders within a period of two months from the date of receipt of the representation. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

30th JULY, 2007.

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